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**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**Writ Petition (s) No. 3844 of 2005**

Applicant : Bhimsen Swarnakar, Son of Late Bodh Ram Swarnakar, Assistant Teacher, Primary School Boys, Patthalgaon, District Jashpur, Chhattisgarh

Versus

Respondents :1. State of Chhattisgarh, Through Secretary, Tribal Welfare Department, Ministry of Tribal Development, Mantralaya, D.K.S. Bhawan, Raipur, Chhattisgarh.

2. Commissioner, Tribal Development, Bilaspur.

3. Collector, District Jashpur, Chhattisgarh

**SB : Hon'ble Shri Satish K. Agnihotri, J.**

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Present: Mr. Anupam Dubey, Advocate for the petitioner.
Ms. Sunita Jain, Panel lawyer for the respondents/State.

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**ORDER**

**(Passed on this 14th day of March, 2007)**

1. The petitioner, while working as Assistant Teacher at Primary School Boys, Patthalgaon, was transferred to Mudapara Middle School on the same terms and conditions vide impugned transfer order dated 10.8.2001 (A/1).

2. The Madhya Pradesh State Administrative Tribunal, Bench at Raipur, vide interim order dated 3.10.2001, directed to maintain status quo in regard to the position of the petitioner as was prevailing on 21.9.2001. By virtue of the interim order, the petitioner is continuing at the original place of posting.

3. Be that as it may, with the passage of time this petition has become infructuous, as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of

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the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.

4. It is well settled principle of law that transfer is an incidence of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere with the transfer matter and this Court can entertain judicial review only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.

5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge